WA 1/2007
BEFORE
THE HON'BLE MR JUSTICE D. BISWAS,
CHIEF JUSTICE(ACTG.)
THE HON'BLR MR JUSTICE B.P.KATAKEY
Heard Mr I. Hussain, learned counsel for the appellant; Mr KP Sarma, learned sen ior counsel for the respondent No.5; and Mr A. Thakur, learned State counsel.

2. This appeal has been filed by the unsuccessful writ petitioners challeng ing the order dated 21.12.06 passed in WP(C) Nos.6334/06 and 5816/06 whereby and where under the learned Single Judge has refused to grant the reliefs sought fo r in the said writ petitions wherein the Resolution adopted for removal of the C hairman of the Municipal Board, the respondent No.7, from the office was under c hallenge.

3. While admitting the appeal and suspending the judgment and order dated 2 1.12.06 passed by the learned Single Judge, this court vide order dated 4.1.2007 has passed the following order:

Pendency of this writ appeal and as well as the interim order passed by us shall not preclude the Ward Commissioner to give a fresh requisition, if the y are so advised, for convening a special meeting in accordance with law .

4. It appears from the application (Misc Case No.1016/07) that in the speci al meeting held on 7.2.2007 a Resolution was adopted removing the Chairman, resp ondent No.5, from the office of the Chairman and authorizing the Vice-Chairman t o hold the charge of Chairman and to convene a meeting for election of the new C hairman as required u/s 41(2) of the Assam Municipal Act. It has been stated at the Bar that the said Resolution dated 7.2.2007 has not been challenged by any b ody till date.

5. That being the position, the Chairman of the Municipal Board namely, the respondent No.5 has already been removed from the office by virtue of the Resol ution adopted on 7.2.2007 in the special meeting of the Municipal Board thereby rendering this Miscellaneous Application infructuous.

6. Hence, the writ appeal is dismissed as infructuous. However, it will not preclude the aggrieved party from challenging the Resolution dated 7.2.2007 in the appropriate forum.